

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

GE CAPITAL FRANCHISE FINANCE
CORPORATION,*a Delaware corporation, for
itself and as Attorney-in-Fact and Master and
Special Servicer for Wells Fargo Bank
Minnesota, National Association, as Indenture
Trustee, pursuant to those certain Indentures
dated August 1, 1998 and November 1, 1999*

Plaintiff,

v.

DECISION & ORDER
08-CV-200S

DYNAMIC PIZZA, INC., et. al.,

Defendant.

The complaint in this action was filed on March 7, 2008 (Item 1). When no answer or other responding documents were filed, plaintiff's counsel filed a Request for Entry of Default on April 8, 2008 (Item 8). The Clerk's Entry of Default was entered on April 14, 2008 (Item 10). Thereafter, plaintiff's counsel filed a Motion for Default Judgment on June 13, 2008, with a supporting affidavit (Item 11). The court filed an order on July 1, 2008, directing defendants to appear before the court on July 8, 2008 (Item 12). No response has been received from the defendants nor did the defendants appear as directed on July 8, 2008.

Plaintiff has established that it is entitled to default judgment and has set forth a detailed statement of its damages. Accordingly, the Clerk of Court is directed to enter judgment for plaintiff as follows:

As to Dynamic Pizza, the amount of \$740,481.03, which includes interest due and owing;

As to Dynamic Pizza of Albany, the amount of \$494,567.09, which includes interest due and owing;

As to Dynamic Pizza of Albany II, the amount of \$494,567.09, which includes interest due and owing; and

As to Dynamic Pizza of Binghamton, the amount of \$740,481.03, which includes interest due and owing.

SO ORDERED.

Dated: August 22, 2008
Buffalo, New York

/s/William M. Skretny
WILLIAM M. SKRETNY
United States District Judge